

SCOTT N. SCHOOLS, SC SBN 9990
United States Attorney
JOANN M. SWANSON, CSBN 88143
Assistant United States Attorney
Chief, Civil Division
ILA C. DEISS, NY SBN 3052909
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7124
FAX: (415) 436-7169

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SYED MAHMOOD AHMED,

Plaintiff,

v.

ALBERTO GONZALES, Attorney General
of the United States; MICHAEL CHERTOFF,
Secretary of the Department of Homeland
Security; EDUARDO AGUIRRE, Director
of United States Citizenship and Immigration
Services; MICHAEL MUELLER, Director
of the Federal Bureau of Investigation;
CHRISTINA POULOS, Acting Director
of the California Service Center,

Defendants.

No. C 06-7364 JCS

STIPULATION TO VACATE HEARING
DATE ON DEFENDANTS' MOTION TO
DISMISS; AND ~~PROPOSED~~ ORDER

Date: July 27, 2007
Time: 9:30 a.m.

Plaintiff, by and through his attorney of record, and Defendants, by and through their
attorneys of record, hereby stipulate, subject to approval of the Court, to vacate the hearing date on
the Defendants' Motion to Dismiss, which is currently scheduled for July 27, 2007, in light of the
following:

1. In June 2007, Defendants requested an expedite of Plaintiff's name check with the FBI
and the request was granted.

2. On July 2, 2007, the State Department issued an "Update on July Visa Availability"

1 stating that there were no more employment-based visa numbers available for the rest of the fiscal
2 year, attached hereto as Exhibit A.

3 3. The State Department will not be issuing any more employment-based visas until
4 October 2007, and USCIS is unable by statute to adjudicate Plaintiff's application for adjustment
5 of status until a visa becomes available.

6 4. Therefore, the parties hereby request this Court to vacate the July 27, 2007 hearing date
7 and to hold the case in abeyance until a visa becomes available.

8 5. If this case does not resolve itself administratively, within three days of visas becoming
9 available by the State Department, the parties agree to reset the hearing date on Defendants'
10 motion to dismiss.

11
12 Dated: July 13, 2007

/s/

ILA C. DEISS
Assistant United States Attorney
Attorney for Defendants

13
14
15 Dated: July 13, 2007

/s/

ROBERT VOLZ
Attorney for Plaintiff

16
17
18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED that the defendants' July 27, 2007
20 hearing is vacated.

21 Dated: July 18, 2007

